

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Bail Appl..No. 4701 of 2007()

[CRIME NO.163/2001 OF NENMARA POLICE STATION]

PETITIONER/IST ACCUSED

NARAYANADAS, S/O.DIVAKARA MENON,
PARAMBATH HOUSE, JAYANTHI ROAD,
MARADU, ERNAKULAM.

BY ADV. SRI.GEORGIE SIMON

RESPONDENTS:

STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No. 4701 of 2007

Dated this the 3rd day of August, 2007

ORDER

Second application for anticipatory bail. The petitioner is the 1st accused in a crime registered alleging commission of theft of a jeep belonging to the Forest Department. An earlier application for anticipatory bail was dismissed by this Court as per order dated 12.02.07 in B.A.No.789 of 2007. There was an observation that the petitioner can surrender before the Magistrate within 10 days. That option was not made use of by the petitioner. Subsequently the case has been charge sheeted. Cognizance has been taken by the learned Magistrate. The case is now pending before the learned Magistrate. It is therefore prayed that directions under Section 438 Cr.P.C may be issued in favour of the petitioner.

2. I find no significant change in circumstances to consider this second application for anticipatory bail favourably. It is for the petitioner to appear before the learned Magistrate and seek regular bail. It is for him to explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the

same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

3. This application for anticipatory bail is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/